

THE **DECALOGUE** JOURNAL

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APRIL - MAY, 1955

Number 4



HARRY S. TRUMAN

RECIPIENT OF THE DECALOGUE AWARD, 1954

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BENJAMIN WEINTROUB, Editor

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Reservations for Decalogue Annual Affair Still Available

Requests for reservations for the Decalogue Twenty-First Annual Merit Award Dinner to be held this year in the Sherman Hotel Grand Ballroom on April 27 continue at an unprecedented rate. Chairman of the Arrangements Committee Bernard H. Sokol and Carl B. Sussman, chairman of the Ticket Sales Committee announce that the selection of former President of the United States, Harry S. Truman has met with the strong approval of the legal profession and the community. Seats are allotted in the order of receipt of requests for reservations. The price is eight dollars and fifty cents per person.

Orders for tickets should be sent to The Decalogue headquarters at 180 W. Washington Street, Chicago 2, Illinois.

FEDERAL JUDICIARY AND LAWYERS TO HOLD ANNUAL MEETING

The Bar Association of the Seventh Federal Circuit, an organization actively devoted to the improvement of administration in the courts of the Seventh Circuit, will hold its annual meeting with the Judiciary of that Circuit on May 23rd and 24th, 1955 at the Knickerbocker Hotel. The banquet honoring all Federal Judges of the Circuit will be held on the evening of May 23rd.

Member Judge Julius J. Hoffman is chairman for the judges. Morton Schaeffer, our second vice-president, will represent the lawyers.

Lawyers practicing in the District Courts of the United States or the Circuit Court of Appeals are urged to participate in the meeting. For further information please write or phone Mr. Schaeffer, 54 W. Randolph Street, Chicago, State 2-1225.

The Editor will be glad to receive contributions of articles of modest length, from members of The Decalogue Society of Lawyers only, upon subjects of interest to the profession. Communications should be addressed to the Editor, Benjamin Weintraub, 82 West Washington Street, Chicago 2, Illinois.

HARRY S. TRUMAN—AN AMERICAN STORY

In writing about our thirty-second president, one is tempted to accept Carlyle's sweeping generalization that "the history of the world is but the biography of great men." After nearly eight years in office as President of the United States, Truman's stature emerges impressively large—a result of the many great measures that he carried through and a political philosophy which through him assumed global significance.

Truman spent more than a decade in the United States Senate and there made an outstanding record as chairman of the Special Committee Investigating the National Defense Program, a post that earned for him national acclaim. But his sudden assumption of the vast powers of presidency on April 12, 1945 found him hardly prepared for the tremendous job ahead. Legislator, executive, judge, military officer, his training was not that of a designer of foreign policy or global strategy. Yet within twenty days of his stewardship as president of the United States, he was in San Francisco ushering in the birth of the United Nations. Less than four months later he commanded that atom bombs be dropped on Hiroshima and Nagasaki. The sudden death of Franklin Delano Roosevelt posed before him challenges few human beings ever had to cope with. Truman met them, and can now confidently await, in the words of Woodrow Wilson, "the verdict of mankind."

It was an act of God that made him President, that gave him his first term in office. It was, however, his own accomplishments and his uncompromising contempt of venality that placed him where fate decreed that he should be found; and still another factor was largely responsible for his political rise—he was typically American.

His beginnings were humble: He emerged from the obscurity that enveloped him as a farm boy, a bank clerk, a storekeeper—experiences repeated in this land from coast to coast. He was conscientious and honest in whatever office he held, as county supervisor, county clerk, judge, or senator. Denied entrance to West Point because of myopia, he nonetheless

managed to enter the United States Army and during World War I fought in Europe and attained the rank of artillery captain. A realist, the beneficiary of a powerful political machine, there were cast at him at no time of his public or private life aspersions impeaching his probity or integrity.

Truman was partisan. He was a staunch friend of individuals who helped elect him to office and never an ingrate in recognizing services rendered. He said, "I never had a political job I wanted. But when it was my turn to fill out the Democratic ticket I always got out and gave it everything I had." And: "I looked out for the people and they understood my leadership!"

He knew want and he knew adversity. He failed in business but paid his debts fifteen years later. When already a United States Senator he saw his farm mortgage foreclosed and his mother dispossessed from the family homestead. A senator, he was so poor that he had to employ his wife as his secretary to make ends meet.

He was an American who fitted in with Roosevelt's New Deal, and while senator, his was a magnificent contribution to the cause of our winning the war. The son of industrious middle class parents, a member of a hard-working community, he loathed the exploitation of the poor, and graft in all of its forms. During his term in the Senate, a chance visit to an army training camp in Missouri revealed to him appalling waste of the country's resources through inefficiency, deception, and chaotic methods of handling construction. The country was at war. Truman introduced a resolution in the Senate, the result of which was the creation of a Committee to Investigate the Defense Program. The Missouri legislator traveled thirty thousand miles to collect first-hand evidence that would expose the crooks. Hundreds of millions of dollars were saved the American taxpayers due to his efforts. Though the committee was composed of both Democrats and Republicans, there were never minority reports. President Roosevelt commented: "The

Truman Committee has done a job which will live in history as an example of honest efficient government at work." *Look* magazine stated at the time, that "he was the most valuable man in the Senate."

Truman was battling for the people. He brought into focus the practices of railroads in gouging their customers through exorbitant rates and unscrupulous financial methods. He helped create the Civil Aeronautics Act. He was a New Dealer who had the respect of labor and the gratitude of the small business man.

Political expediency, his popularity within the Democratic Party, the respect that his accomplishments commanded in the Senate, earned him the Vice-Presidency of the United States and with it eventually a highly esteemed place in the annals of mankind.

The leit-motif of his foreign policy was, of course, the interests of the United States, and concomitant with this aim the containment of the Soviet Union. Truman was seldom diplomatic and subtle in his dealings with the Russians. He did not trust them. He believed that the Communist philosophy was inimical to the welfare of this country and that its dissemination also spelled doom for other lands. Within less than a week of the end of World War II, he arrested the lend-lease program and turned back ships which carried materiel to the Soviets. Russia was denied a loan. Truman, steeped in the traditions of free Americans, deeply resented the treatment accorded to nations once they were swallowed up by the U. S. S. R. He pitied the Rumanians, Bulgarians, Czechs, Poles, Hungarians, and other satellites, and insisted, to no avail, upon free elections in these countries to determine the will of the people and form of government desired. He had no confidence in Russia's professed intentions toward "co-existence" and he was quick to challenge her encroachments upon the liberties of other people. Hence the air-lift episode in West Berlin when the United States Air Force coped with the problem of supplying two million Germans with food and fuel for nearly a year—when the Soviets barred other avenues of communication and transportation.

He inaugurated the Marshall Plan to bring immediate and effective economic help to all

Europe, thus anticipating that want and misery would make Europe receptive to Communist persuasion. He formed the Atlantic Pact against aggression by the Soviet block of nations; he proclaimed the Truman Doctrine—instantaneous assistance to nations about to fall into Communist hands for want of means of challenge against military might. The situation arose when England appealed to us that she could no longer carry the burden of supporting Greece and Turkey against the designs of Russia upon their independence. Britain invited a United States protectorate for the two nations. Truman accepted at once, dispatched a fleet into the Mediterranean Sea and sent men, material, and hundreds of millions of dollars to help prevent transformation of Greece and Turkey into satellites of the Kremlin:

... I believe it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or outside pressures. . . . From Message to Congress, 1947.

The war in Korea was another challenge to Red desires to expand their territories and influence in the Far East and Asia. Truman accepted the tremendous responsibilities, and though the cost to us of helping South Korea maintain its independence was great, the Communists were again on notice that the use of force would be met by free people with greater force.

A realist in his treatment of international problems, Truman understood that the mere exposition of the goodness of our Bill of Rights was inadequate to relieve the agonies of hungry and destitute people. And thus his famous recommendation of Point Four—help to backward countries in the development of their own natural resources, tools to do it with, and the sending of technicians to educate them in the know-how of raising their standard of living.

On the domestic scene he sided boldly with the liberals in this country and courageously contended against the designs of race-prejudice elements in the Congress and throughout the land, to curtail the liberties of fellow Americans. He created a Civil Rights Committee composed of outstanding leaders to report on the status of Civil Rights in the United States and backed its recommendation for securing them. He fought the hysteria engendered by fear of Communism and the inquisitorial

methods of committees appointed by the Congress to investigate actual or alleged subversives. He vetoed the Taft-Hartley Labor Act, but his veto was over-ridden. He fought the McCarran-Walter Immigration Law which created distinctions between native-born and naturalized citizens and was otherwise discriminatory, and again his veto was over-ridden. He was against segregation of the Negroes. His championship of Civil Rights cost him the support of the South in his campaign for re-election in 1948; but then, long before, in Missouri, he had faced the enmity of the Ku-Klux-Klan. His re-election to a second term was a unique expression of the people's trust in his leadership and of their belief in his purpose and character.

Jews throughout the world are especially indebted to Harry S. Truman. Always a profound admirer of the Jewish people, Truman stood by them in the crucial days when partition of Israel was debated by the United Nations, shortly after the British mandate was terminated, and the fate of the new State was in the balance. "It was Truman's intervention to prevent the slicing of the region called Negev from the Jewish State which had been designated under the original partition plan that saved this vital area for the new nation."¹ The early months of 1948 were days of great anxiety for millions of Jews who hoped to witness the birth of a new State. Chaim Weizmann, then 73, met with President Truman and received his promise to help support the partition plan. Forces within the State Department intrigued against the aspiration of Jews, and nearly succeeded in thwarting the Chief Executive.

He initiated the Anglo-American Committee of Inquiry on Palestine, of which Bartley C. Crum (the recipient of the Decalogue Award of Merit for 1946), was a member; and in the critical days when it seemed that a people had to give up its age-old dream. Truman sent this letter to Ibn Sahud of Arabia:¹

"The government and people of the United States have given support to the concept of a Jewish national home in Palestine since the termination of the First World War, which resulted in the freeing of a large area of the Near East, including Palestine, and the establishment of a number of independent states which are now members of the United Nations.

¹ *Behind The Silken Curtain*, by Bartley C. Crum. Simon and Schuster.

"The United States, which contributed its blood and resources to the winning of that war, could not divest itself of a certain responsibility for the manner in which the freed territories were disposed of, or for the fate of the peoples liberated at the time. It took the position, to which it still adheres, that these peoples should be prepared for self-government and also that a national home for the Jewish people should be established in Palestine. I am happy to note that most of the liberated peoples are now citizens of independent countries."

Chaim Weizmann's dramatic plea to Harry S. Truman, in the critical pre-recognition days is already an indelible part of the annals of world Jewry:

"... the choice for our people, Mr. President, is between statehood and extermination. History and providence have placed this issue in your hands and I am confident that you will yet decide in the spirit of the Moral Law. . . ."²

It was Truman's personal interference and deep sympathy for the pioneers of Israel that saw them through those crucial days. Thanks to Truman, the United States on May 14, 1948, was the first nation to recognize the new state of Israel.³

Today, as a private citizen, Truman is taking a well-deserved rest—a euphemism, because actually he is at work at his home in Independence, Missouri on his memoirs.

Much has already been written about Truman's administration, his policies, both domestic and foreign, his political philosophy, and—of course—about his personality. Much more will emerge as the historical perspective becomes clearer and measures that he initiated for the good of his country and the benefit of all mankind will have been put to use. The world, I believe, will regard Truman, the President, as a conscientious representative of its best interests. He wanted peace on earth, peace for all people, but never at a price that would shackle the free spirit or deny the rights and privileges to any citizen. In that he was eminently successful, and though not universally applauded abroad, his judgments had the approbation and great esteem of his countrymen.

Truman, the man, reflected in his entire career a pattern of Americanism that is a part of our mores and folk-lore. He epitomized the

² *Trial and Error*, by Chaim Weizmann. Harper & Brothers.

³ *The Man of Independence*, by Jonathan Daniels. J. B. Lippincott Co.

American who sought to interpret his country's ideals to a confused and a divided world. He understood the people, he loved them, and he wished them well. He strove for a universe which would contribute to the welfare of the down-trodden and the oppressed. He was for peace; but he wanted his country strong in order that it could resist a foe whenever necessary. Truman deserves much from the American people. His retirement from the presidency finds us united, strong, more than ever eager to preserve our free institutions. All that and more we owe to Harry S. Truman.

—The Editor

JUSTICE DOUGLAS TO SPEAK

The Decalogue arrangements committee is happy to announce that Justice William O. Douglas of the United States Supreme Court, will speak at the Annual Dinner on April 27, at the Sherman Hotel, at which ex-President Harry S. Truman will receive the Society's Award of Merit.

SOCIETY HOLDS SEMINAR ON 1954 REVENUE CODE

A series of lectures on "Important Changes Effected by the 1954 Internal Revenue Code" were presented during the first quarter of the year under the auspices of Legal Education Committee of the Society. Sessions were held on successive Wednesday afternoons beginning January 26, 1955, at the Offices of the Society. Maynard Wishner, Chairman of the Committee presided. Speaker's and topics covered included the following:

Individuals and Individual Proprietors	Eugene Bernstein
Partnerships	Max Reinstein
Life Insurance and Annuities	Bernard Epstein
Corporate Distributions other than in Liquidations	Howard Slater
Corporate Liquidations	David Altman
Trusts and Estate Planning	Austin Fleming
Real Estate Transactions	Paul G. Annes

JEROME M. SAX, DIRECTOR

Member Jerome M. Sax, vice-president of the Exchange National Bank, was elected recently a director of that bank.

Civic Affairs Committee Active

Members of the Civic Affairs committee continue to attend, as observers, meetings of the Illinois Committee for Equal Job Opportunities and the Chicago Council Against Discrimination. It is expected that Decalogue will, as it did during the last session of the General Assembly, lend its support to proposed legislation to establish a Fair Employment Practices Commission in Illinois.

A statement drafted by the Civic Affairs committee, which appears elsewhere in this issue of The Journal, has been directed to all the members of the Illinois General Assembly and Governor Stratton, and is the fourth such expression by Decalogue, in as many sessions of the General Assembly, of its opposition to the Broyles Bills. Both the *Chicago Daily News* (2/25) and the *Sun Times* (2/26) reported the Decalogue statement in their news columns.

Members of this committee have also been engaged in a series of provocative discussions based upon a proposed bill (drafted by members Al Zemel and Marvin Glink) to amend Title 18 of the United States Code "to make unlawful the transportation or importation of false and defamatory statements designed to arouse intergroup conflict." The proposed bill would add a new Chapter 28 to the present Title 18.

With the introduction by Senator Herbert H. Lehman of New York of a comprehensive bill to repeal and replace the McCarran-Walter Act, a sub-committee of this committee is now undertaking a study of this proposed bill and will shortly make its recommendations to the Board of Managers for its consideration.

Elliot Epstein and Richard L. Ritman are co-chairmen of the Civic Affairs committee.

Past president David F. Silverzweig was chairman of our Merit Award Committee which selected Hon. Harry S. Truman as the recipient of The Decalogue Society of Lawyers Award of Merit for 1954, and Judge Henry L. Burman for inter-organization honors.

Proposes Changes in Society's Constitution

In keeping with a resolution adopted by our Board of Managers, President Elmer Gertz appointed a constitutional revision committee to deal with fundamental changes in our constitution as these affect length and frequency of terms in office of elected members of our Board. The committee was also charged with that task of making recommendations regarding the future status on the Board of our past presidents who were, until now, by virtue of their former offices, permanent members of our Board.

The findings of this committee were approved by our Board.

The following are the resolutions adopted by the Board of Managers to be acted upon by the membership at our next annual meeting to be held the evening of May 25, 1955, at the Chicago Bar Association.

1. *Resolved*, that Section 2 of Article V of the Constitution of The Decalogue Society of Lawyers be amended to read as follows:

"The Board of Managers shall consist of twenty-one (21) members elected as provided in this Constitution, the three (3) immediate past presidents and the incumbent officers of the Society. It is clearly understood that past presidents shall be eligible for election to the office of Board Member on an equal basis with any other elective Board Member."

2. *Resolved*, that Section 3 of Article V of the Constitution of The Decalogue Society of Lawyers be amended as follows:

"No elective Member of the Board of Managers shall be elected for more than two (2) successive two-year terms. At the expiration of two (2) successive two-year terms a Board Member shall not be eligible for election or appointment to the office of Member of the Board unless a full year shall have elapsed from the date of termination of his last preceding term."

The present constitution provides for the election of 21 members for a two-year term. In addition, all past presidents and the elected officers are also members of the Board. According to the present constitution, there is no limitation on the number of terms of an elective member of the Board. A past president of our Society, by virtue of his having held office becomes a member of the Board for life whether active or not in the Society's affairs.

To provide for continuity of direction and policy, the 21 members of the Board are elected

by a staggered system according to which half of the number is elected each year for a two-year term. Also the three immediate past presidents are automatically members of the Board.

The Society is deeply indebted to its past presidents, especially to those who year after year continue to participate actively in the direction of the affairs of the Society; equally great is its appreciation to the elective members of its Board, willing to serve term after term.

In the opinion of the Board the changes proposed will invite greater participation by members who desire to serve the aims and goals of the Society.

ANNUAL MEETING AND ELECTION OF OFFICERS

The following candidates for office and membership on the Board have been chosen by the nominating committee to stand for election at our annual meeting, the evening of May 25th, at the Chicago Bar Association, 29 South La Salle Street.

President	Bernard H. Sokol
First Vice President	Morton Schaeffer
Second Vice President	Solomon Jesmer
Treasurer	Harry H. Malkin
Financial Secretary	Judge Hyman Feldman
Executive Secretary	Richard Fischer

BOARD OF MANAGERS

Two Year Term:

Hon. Henry Burman	Reuben S. Flacks
Bernard E. Epton	Leo Karlin
Saul H. Epton	Meyer Weinberg
Harry G. Fins	Alec E. Weinrob
Jacob Fishman	Bernard Weissbourd

To Fill One Year Vacancy:

Reginald Holzer	Leon A. Kovin
	Esther O. Kegan

A PLAQUE FOR THE EDITOR

Benjamin Weintroub, Editor of the Decalogue Journal, was presented with a plaque on April 3, 1955 at the HIAS Annual Conference in the Sherman Hotel in tribute of his editorship of the Chicago HIAS Review, a publication of the Hebrew Immigrant Aid Society.

Nation Acclaims Decalogue Choice

Published below are excerpts from letters that have reached the President of our Society at the time this issue went to press. The next issue of The Decalogue Journal will contain, it is expected, more comments.

I am delighted that your Society is paying its respects to President Truman. There is no one who more deserves all the tributes which his fellow citizens can give him.

DEAN ACHESON
Former U. S. Secretary of State

... The name of Harry S. Truman will long be remembered, especially by the Hellenes and the American Greeks, as the great benefactor for his Marshall Aid Program and his Truman Aid to Greece, which effectively supplied the ways and means for the recovery and rise of that country to its second Pre-World War prosperity.

CATHERINE ANAGNOST, President
Hellenic Bar Association

For the eight years Harry Truman was president, I had the responsibility as director of the American Civil Liberties Union to appraise his performance in relation to those liberties basic to our democracy. I must confess now that I was amazed to see the conviction and courage with which he tackled the most controversial issues of security and discrimination. He never failed to come out on the side of freedom and equality, whatever the price in political opposition. ...

ROGER N. BALDWIN

I think former President Truman richly deserves the award you are giving him for outstanding service to the cause of democracy and the general welfare of the people.

JUSTICE HUGO BLACK
United States Supreme Court

I believe that his accomplishments and service as President of the United States will settle into history as one of the brightest and most glorious pages in our existence as a nation. In him was found the common touch and the belief of the common people of the country that their welfare and well being were of his greatest concern. ...

JUDGE JOHN F. BOLTON
Chief Justice, Superior Court, Cook County

Few presidents have contributed so much to the welfare not only of the United States but to the world. The modest way in which President Truman conducts himself and his unassuming nature have mislead a great many people in judging his importance. ...

AUGUSTINE J. BOWE

It was Harry Truman who had the great vision and determination to point the way to freedom and democracy for the vast numbers of underprivileged peoples of the world by assisting them to develop their own resources. Harry Truman's "Point Four" will be a landmark in world history. ...

OSCAR L. CHAPMAN

... The contributions of Harry S. Truman as President of the United States to the cause of political democracy in the world, and to the ideal of collective security among nations as an instrument for effecting peace, is a tribute to which our members are more than pleased to add expressions of approval.

ALICE M. CHELBERG, President
Women's Bar Association of Illinois

History will recall that Harry S. Truman is not "a looker-on" but a man who sought truth and having found it pursued straightway the path of his duty, never forsaking his fellow man. The world is the better for his having lived. May his life be long and healthful that he may contribute the more to the peace and happiness of mankind.

JUSTICE TOM C. CLARK
United States Supreme Court

... His selection is a fitting recognition of the truly notable services rendered by Mr. Truman. In inculcating respect for the Bill of Rights and the constitutional rights and liberties of the people.

BENJAMIN V. COHEN

No American President since Andrew Jackson has so much exemplified courage and vision as Harry S. Truman; and succeeding generations of our people will realize this. The cardinal principle of his domestic and foreign policy was a policy of enlarging the areas of freedom for all men.

By his Point IV program, and by his immediate recognition of Israel, he gave proper emphasis to western, spiritual, moral, and material values; he thereby greatly enhanced the chance that the Middle East will become democratic and progressive rather than totalitarian and reactionary.

BARTLEY C. CRUM

... We are all too close to recent events to properly evaluate their historical significance but I am quite sure when the history of our time is written the name of Harry S. Truman will receive the accolade his deeds have won him.

CHARLES S. DOUGHERTY

Chief Justice, Circuit Court, Cook County

* * *

His service in the cause of democracy was so outstanding, and his interest in the general welfare of the people was so sincere, that the former president richly merits this fine tribute.

F. RYAN DUFFY

U. S. Court of Appeals for the 7th District

* * *

... It is certainly not for me, as the citizen of a foreign country, to comment upon Mr. Truman's achievements which might have motivated the choice of The Decalogue Society of Lawyers.

I can only select, among the many forms in which President Truman has expressed American leadership in the international sphere, the very personal impulse he has given, when defining the fourth point of his 1949 programme, to international solidarity for the development of the vast underdeveloped areas of the world. President Truman has thus founded a new hope of increased freedom and welfare for millions of people everywhere.

EDGAR FAURE

Premier of France

* * *

President Truman typifies the very fiber and strength of the American tradition, the American way of life and the greatness of American ideals. He is the great "homespun" American with a heartbeat attuned to the aspirations and dreams of the peoples of the entire world as exemplified by his courage and leadership in giving the democracy of Israel to the world. ...

BARNET HODES

* * *

The Cook County Bar Association joins in hailing all Americans, regardless of party or sect, who strive for equal opportunity and freedom for all citizens. President Truman has been one of the foremost leaders in this effort and I congratulate you upon your selection of him for your Award. ...

JAMES T. HORTON, President

Cook County Bar Association

* * *

President Truman has been one of the most fearless fighters in the cause for democracy and one of the staunchest champions of freedom and justice. ...

LYNDON B. JOHNSON

U. S. Senator, Texas

* * *

I congratulate The Decalogue Society of Lawyers on this selection. There is no living American who, in my opinion, has done more to further the cause of democracy and freedom here and abroad. ...

HERBERT H. LEHMAN

U. S. Senator, New York

Mr. Truman defended the Presidency of the United States because of his respect for it, with a very high degree of personal courage.

As time dims the excitements of the moment, Harry Truman becomes more and more a non-partisan name with important democratic connotations. He did not hedge, he did not seek favors for or try to bestow them upon the powerful, he defended the weak, the underprivileged, and many wrongfully accused. ...

LEO A. LERNER, Editor and Publisher

Chicago North Side Newspapers

* * *

No man in our time has exhibited the characteristics of courage, honesty and true patriotism under conditions as difficult as those under which Mr. Truman had to live and work.

ARCHIBALD MACLEISH

* * *

... If ever there was a man more deeply interested in the welfare of those very important persons whom we so often refer to as "the little guys" than is President Truman, I do not know where one could go to find him. He loves our people and he trusts our people, and out of this abiding faith in American democracy has come President Truman's dedication to every single phase of our beloved Bill of Rights. The concepts of freedom which are reflected in our great state documents—the Declaration of Independence and the Constitution of the United States—are part of the fiber of this lovable man.

JUDGE HAROLD R. MEDINA

United States Court of Appeals

* * *

... When the history of this epoch is written, if freedom survives, as I believe it will, we can expect that the Presidency of Harry S. Truman will be recorded as one of the crucial periods in which the forces of democracy were mobilized effectively to repel and reduce the threat of Communist totalitarianism.

And while this nation was locked in international crises, he also fought the fight of the citizen at home—for equal opportunities, for equal civil and economic rights, for individual dignity.

Harry S. Truman could have been a Buchanan. Instead, he chose to walk in the footsteps of Lincoln.

WAYNE MORSE

U. S. Senator, Oregon

* * *

His complete unselfishness and dedication to the cause of democracy and in particular his deep concern for the general welfare of all the ethnic groups of America will be recorded in the annals of history as living acts of democracy in the purest sense of the word.

JOHN J. MORTIMER

Corporation Counsel, Chicago

... The Jews of Israel see in Mr. Truman not merely an outstanding person that has served the cause of democracy and the broad interests of humanity faithfully; they recognize in him also the man who stood at the head of the nations at the time when the Israel people achieved its historic right and re-established its independence in Israel.

It cannot be questioned that Mr. Truman's share in helping to establish our State, his recognition of the State immediately after its declaration will be remembered throughout the future generations. We feel that we can best express our gratitude for that aid by developing the democratic way of life, endeavoring to increase the happiness of the ordinary man and woman and extending our contribution to the dignity of man.

GOLDA MYERSON

Minister of Labour, State of Israel

Mr. Truman repeatedly rose to the demands of sudden crises in a way that served the vital interests not only of the United States but of the free peoples of the entire globe. His nerve, his resolution, his power of quick effective action, were displayed in the Korean emergency with such results that they will be remembered centuries hence. In a period which required of American leadership a broad international outlook and a firm emphasis on the principles of political freedom, he supplied both. His courage in standing for the rights of minorities at home and abroad was in the best American tradition. . . .

ALLAN NEVINS

Columbia University

I congratulate you upon your selection of Harry S. Truman for your Award for 1954. He is a great American and deserves every recognition.

SAM RAYBURN

Speaker, House of Representatives

... History will rank him among the Presidents who have done the most to advance the cause of civil rights. Perhaps no President has done more to promote brotherhood in our shrinking world, for he has played a noble role in helping the hungry millions in underdeveloped countries find the way to both bread and freedom. Few men in all history have made so many courageous decisions which influenced the whole course of the future. . . .

In the basic struggle between the Communist slave world and the free world, Harry S. Truman has helped lay the foundation for the eventual victory of the forces of democracy. This is not basically a military struggle, but a struggle between two concepts of a way of life. To millions of people both here and throughout the rest of the world, Harry S. Truman is a symbol that both bread and freedom are possible in democracy. His courage and integrity and wisdom make him one of the great men of our time.

WALTER P. REUTHER, President

Congress of Industrial Organizations

I am delighted to know you have selected Mr. Truman as the recipient of your Award of Merit for 1954. This is an honor highly deserved. . . .

ELEANOR ROOSEVELT

... No living American has served the free world and advanced the welfare of the common man with greater devotion than President Truman. He has been and is a symbol of courage, strength, justice, decency and hope to free peoples everywhere. . . .

ANNA M. ROSENBERG

President Truman's leadership of the nation in a period of grave international crisis set a course which time has increasingly shown the wisdom of. You are also paying tribute to a blithe spirit whose warm humanity his countrymen will not soon forget. May he live long to receive many other tokens of the gratitude and affection of his fellow Americans.

ARTHUR M. SCHLESINGER

Department of History, Harvard University

As President, Mr. Truman had to face some of the most difficult and dangerous decisions that have ever confronted any Chief Executive. He faced them, with courage and with wisdom. I do not believe there is any man alive, with the possible exception of Sir Winston Churchill who has done as much as Mr. Truman in the defense of the free world against the Communist peril.

ROBERT E. SHERWOOD

I think of Mr. Truman always as a man of outstanding patriotism and great moral courage and I recall with pride the period during which I served under him.

WALTER BEDELL SMITH

I congratulate you on your decision to so honor President Truman.

H. NATHAN SWAIM

U. S. Court of Appeals

Few equal and none surpass him in devotion to the principles of democracy, love of his country, and industrious efforts for the general welfare of the people.

STUART SYMINGTON

U. S. Senator, Missouri

We salute Harry S. Truman for all he has done for this nation and we join with you, The Decalogue Society of Lawyers in this token which he has so well deserved.

EDWARD R. TIEDEBOHL, President

Catholic Lawyers Guild of Chicago

Organization Honors to Henry L. Burman

Our Society selects annually one or more members for outstanding contributions to its welfare. Judge Henry L. Burman, whose biographical sketch follows, was chosen this year to receive the inter-organization certificate of commendation. Past president Paul G. Annes will make the presentation at the Society's Annual Dinner, April 27, 1955, at the Sherman Hotel.

Judge Henry L. Burman, the recipient of The Decalogue Society of Lawyers inter-organization award for 1954, was born in Roumania in 1903 and brought by his mother to the United States when three years old. Most of his early childhood was spent in orphanages. At the age of nine, he had a newspaper route on the West Side. While attending Marshall High School, he worked evenings as a Western Union messenger and for a time was employed in the Chicago Public Library. Upon his graduation from high school, he determined upon a legal career and enrolled into The Chicago Kent College of Law. During the day he worked as a law clerk for the firm of Raber, Koestner, Andalman and Arvey. Burman was admitted to the Bar in 1924 at the age of twenty one, and was engaged in the practice of law until 1952, when he was elected a Judge of the Superior Court, Cook County. Prior to his elevation to judgeship, Burman served as master in chancery of the Superior Court for twenty-one consecutive years.

Burman has been a member of The Decalogue Society of Lawyers from the time of its foundation. He early demonstrated his interest in the Society by actively participating in its manifold activities. Elected to the Decalogue Board of Managers, he served for two terms. In 1952, he was elected the Society's Financial Secretary. He is presently the chairman of a Decalogue committee which is exploring the possibilities for a Jewish Community Council in Chicago.

The Judge is a popular and a widely known figure in this city. Much of his time and energy, prior to his election to the Bench, was devoted to the Covenant Club of Illinois of which he was President for two terms. It is, however, as general chairman of The Greater Chicago Israel Bond Drive campaign that he has established an impressive record. He was indefatigable in his devotion to the needs of Israel. The Judge

succeeded in arousing communal interest in the problems of the new republic to an unprecedented extent. His plea that Jewry purchase Israel Bonds came by personal solicitation, from the platform, from meetings that he had arranged in homes, auditoriums, clubrooms, hotels—wherever the Judge deemed it necessary to achieve the campaign committee's goals—adequate economic aid to Israel so that Israel might help itself. More than ten million dollars in Israel Bonds were sold during Burman's chairmanship of campaign drives. Judge Burman has been repeatedly honored by the Israel Government and Jewish organizations in this city for his work in Israel Bond campaigns. He is a member of The National Board of Governors of Bonds For Israel In The United States.

This from Henry J. Morgenthau, Jr., former Treasurer of the United States:

Judge Henry L. Burman is one of American Jewry's most outstanding leaders. Through his efforts for the Israel Bond Drive, he has given immeasurable aid to Israel's economic growth. He is a distinguished jurist, a great American, a devoted Jew and a fine human being.

The Judge is a member of The Board of Jewish Education, and the Jewish Welfare Board; he is a member of the Chicago, Illinois, and American Bar associations. He resides with his wife Florence, and three sons, Marshall, Robert, and Harold at 431 Roscoe Street.

Barnet Hodes Honored by Legal Profession

Members of the Bench and Bar, clergymen, and many other leaders of our community gathered at a banquet in the Covenant Club on February 16th, to honor member Barnet Hodes. The occasion marked the 35th anniversary of the new Beta Epsilon, a national legal fraternity founded by Hodes while a student at Northwestern University.

Mr. Hodes, former Corporation Counsel, city of Chicago, is a recipient of The Decalogue Society Award of Merit for the year 1941.

We Meet a Plain American

By ELMER GERTZ, President, The Decalogue Society of Lawyers

It has been said that many an Englishman loves a lord—and many an American, too. There are people everywhere who count it as one of the great memories of their lives that once they saw—not “Shelley plain,” as Browning has phrased it, but some pinchback patrician who was dubbed a knight by a royal Philistine because of his proficiency in selling soaps. Even the greatest of all poets had an ingrained snobbishness that caused him to sing the praises of generations of kings and their courtiers through half of his immortal dramas.

In these United States we have snobs, too, who dote on dotty dowagers, tinselled tyrants, the highly placed and, above all, the high-priced. But the prevailing mood of this truly democratic land is that every man is as good as the next one, and that no President is above the people who put him in office by their votes and can remove him in the same way. Only occasionally, as in the case of Chester A. Arthur (with his valet, French chef, dainty dishes and foppish clothes), have we had Presidents who put on airs and forgot that every American, even a President, has only one vote.

The man who reminds us most that our truest leaders are just plain Americans was the thirty-third (or is it thirty-second?) President of the United States. All of his life, and no less so when he was in the White House, Harry S. Truman has shared the common experiences of his neighbors, as family man and doting father, farmer, soldier, merchant and politician; and in his simple, effortless fashion he has remained of the earth earthy. He would not know how to attitudinize. He would not know how to become smug. It would be unthinkable for him to imagine that he has been transformed so as to rise above his fellows.

We saw him in his habit as he works in his modest office in Kansas City. The name “Harry S. Truman,” and that alone, appeared on the door. There was a plain and unpretentious

woman in the simple ante-room, who acted as receptionist, telephone operator and general assistant. When she announced us, Mr. Truman himself came out to beckon us into his office. He grasped our hands, exchanged a pleasant greeting, and in a moment made us feel as completely at ease as if we were with John Doakes. We conversed of big and little things. He talked simply, candidly, colloquially, without affectation. He did not talk down to us. We did not talk up to him. We were a representative group of American citizens, voicing our views in a friendly and unafraid manner. We were symbols, we could not help feeling, of the natural greatness of our nation, where it is easier to be with a President than with some petty bureaucrat in some far-off land.

Someone once said that in America every man is a king. He was mistaken. In America every man is a citizen like every other man, even if he used to be the President of the United States.

In honoring Harry S. Truman we are honoring the immortal American spirit. Harry S. Truman is in the succession of Andy Jackson and Abe Lincoln, who loved the common man because they knew that God must have loved them, too, as he made so many of them. Whenever poets sing and philosophers muse of the American spirit, they will mention Harry S. Truman, a plain American—one whom Carl Sandburg has described as the most human of our Presidents.

ELMER GERTZ ON POLITICS AND CIVIL WAR HISTORY

Chicago's last mayoralty campaign was the subject of an article by Elmer Gertz, president, in a recent issue of the *Nation*. Another contribution of his, “Grant's Gadfly,” is scheduled for early publication in *Civil War History*, a University of Iowa magazine.

The Legal Profession and the Fifth Amendment Privilege Against Self-Incrimination

By LEONARD L. LEON

Member Leonard L. Leon, L.L.B., graduate from John Marshall Law School, was admitted to the Bar in 1952. An Army Air Corps Veteran World War II, he served in the South Pacific.

"Men now in concentration camps could speak to the value of such a privilege if it were or had been theirs. There is in it the wisdom of centuries if not that of decades."

J. RUTLEDGE, *Wood v. U. S.* 128 F2d 265 (1942)

Perhaps no provision of the Bill of Rights has come under such concerted and vigorous attack in recent years as has the privilege against self-incrimination, embodied in the Fifth Amendment to the federal constitution. As a corollary it can be stated that there is a widespread misunderstanding, both by laymen and lawyers as to the nature of the privilege, its use and its value, if any, to a democratic society.

Why it is that reliance on a right guaranteed by the fundamental law of the land results in swift, if extra-legal punishment—college professors are suspended,¹ high school teachers are dismissed,² loss of employment in private industry becomes a reality,³ and lawyers face the threat of punitive action leading to suspension or disbarment.⁴ A new principle of "evidence" has emerged on the national scene and into the national awareness—a conclusive presumption of guilt if there is reliance on the privilege.

That the vast majority of laymen have a lack of understanding and are hostile to the privilege is perhaps understandable. A similar attitude on the part of many lawyers is not. The right which the highest court in the land has called "a safeguard against heedless, unfounded or tyrannical prosecutions"⁵ deserves better treatment at the hands of a legal profession, whose concept of justice and law stems from and is

steeped in the Anglo-American tradition of individual liberty and freedom.

The key to an understanding of the significance and importance of the privilege is a knowledge of its history—how it evolved and what evils it was intended to remedy. Space limitations forbid a thorough treatment of its history in this article.⁶ Suffice it to say that the origin of the privilege goes back to the 13th Century in the resistance of Englishmen to the so-called oath *ex officio* of the ecclesiastical courts. This was a requirement that a person, not formally accused, appear before the ecclesiastical court and answer all questions put to him. The purpose of the proceeding was to extract a confession of heresy.⁷ The oath required of the accused was to support the mandates of the Church, to answer truly all questions asked of him, to betray all heretics, and to perform whatever penance might be imposed.⁸

The ecclesiastical courts were not exactly overburdened with the necessity for obeying the niceties of due process. The thumb screw and the rack were frequently used to obtain a "confession" from a hapless defendant. In 1487 the Court of Star Chamber, which already had jurisdiction to imprison for all offenses, was vested with authority to compel the person questioned to answer all questions put to him. The common law courts as well as the ecclesiastical courts were guilty of the practice of using torture to obtain the accused's "cooperation."⁹

In the 1640's the common law courts recognized that no person could be compelled to testify against himself in a criminal proceeding. At this time the Court of High Commission

¹ *New York Times*, March 2, 1953, p. 18.

² *Ibid*, May 1, 1954, p. 10.

³ *Ibid*, March 13, 1954, p. 21.

⁴ *Ibid*, August 26, 1953. Report approved by the House of Delegates of the American Bar Association that reliance on the privilege by a lawyer should itself be treated as disclosing "disqualification for the practice of law."

⁵ *Twining v. New Jersey*, 211 U. S. 78, 91.

⁶ For additional historical material see Morgan, 34 Minn. L. Rev. 1, Corwin, 29 Mich. L. Rev. 1, Wigmore, Vol. 8 (3rd Ed. 1940) Sec. 2250, Pittman, *The Colonial and Constitutional History of the Privilege Against Self-Incrimination in America*, 21 Va. L. Rev. 763.

⁷ Henry Charles Lea, *A History of the Inquisition of the Middle Ages*, Vol. I, p. 410.

⁸ *Ibid*, p. 399.

⁹ Stephen, *A History of the Criminal Law of England*, Vol. I, p. 222. Corwin, *op. cit.*, p. 5.

and the Court of Star Chamber were abolished, and the ecclesiastical courts were forbidden to administer any *ex officio* oath.¹⁰

From 1640 on, the growth and development of the privilege by the English courts was such, that long before the Constitution of the United States was written, the privilege had attained great importance and tremendous stature in the English common law.¹¹

The lesson one learns from the history of the privilege is that compelled testimony is the weapon traditionally used by inquisitorial bodies seeking to punish nonconformists for heresy. But why does compelled testimony assume such importance in the inquisitorial scheme? Dean Erwin N. Griswold of the Harvard Law School supplies the answer.

"Where matters of a man's belief, or opinions or political views are essential elements in the charge, it may be most difficult to get evidence from sources other than the suspected or accused person himself. Hence, the significance of the privilege over the years has perhaps been greatest in connection with resistance to prosecution for such offenses as heresy or political crimes. *In these areas, the privilege against self-incrimination has been a protection for freedom of thought, and a hindrance to any government which might wish to prosecute for thoughts and opinions alone.*"¹² (emphasis supplied)

Some legal writers and jurists feel that the privilege is out-moded; an anachronism; that it should be abolished entirely, or at least severely circumscribed.¹³ Thus Justice Cardozo denied the validity of the privilege as a symbol of a free society, and argued that as nowhere on the continent of Europe was the privilege recognized, therefore the privilege was not an essential part of a system of criminal justice.¹⁴ In reply, one legal writer tersely commented that even in 1937 (when Cardozo made the statement) it was evident that the totalitarian nations of the continent, notably Germany and

the Soviet Union, were largely relying on compulsory self-incrimination for their enforcement of what "may euphemistically be called criminal justice!"¹⁵ Scathingly criticizing the Cardozo opinion for giving only the slightest attention to profoundly important matters, the essence of the court's position, he said, is that the freedoms guaranteed by the Bill of Rights are nice things to have no doubt, "but luxuries not necessities."¹⁶ Is it possible, Professor Green asked, to conceive of a system of liberties under the 14th Amendment which does not include the privilege? To the rhetorical question Professor Green supplies a most emphatic no!¹⁷

The compelling logic of events leads one to wonder, would not a Cardozo or a Wigmore reevaluate their previous position on the privilege were they here to observe the ever increasing restrictions and attacks on the liberty of the individual?

Our highest court has stated many times that the privilege is a "protection to the innocent."¹⁸ Yet the canard persists that one who "takes the 5th Amendment" must be guilty. The proposition is demonstrably false.¹⁹

¹⁵ John Raeburn Green, *The Bill of Rights, The Fourteenth Amendment and the Supreme Court*, 46 Mich. L. Rev. 869, 873, note 25.

¹⁶ *Ibid.*, p. 876.

¹⁷ *Ibid.*, pp. 909, 910.

¹⁸ Even the opinions of the U. S. Supreme Court that have minimized the importance of the privilege have so conceded. See *Twining v. New Jersey*, supra note 5; *Palko v. Conn.* supra note 13; *Adamson v. Cal.* 332 U. S. 46.

¹⁹ Dean Griswold analyzes the "proposition" at great length demonstrating conclusively (to the satisfaction of this writer at least) that no inference of guilt from the claim of the privilege is warranted, supra note 12. Also see J. Magruder's opinion in *Maffie v. U. S.* 209 F. 2d 225; "Does Silence Mean Guilt," *The Nation*, June 6, 1953, Redlich and Frantz. That salty back-bay lawyer, Joseph N. Welch comments, "There was one other matter that kept bothering me. It was certainly not an issue. It was really just a matter of phraseology. I doubt if many listeners even noticed it and perhaps my concern with it is just another proof that I am somewhat old-fashioned. I refer to the frequent use on the McCarthy side of the table, over and over again, of the words 'Fifth Amendment Communist.' Did my ears deceive me, or is there in these words, used as they are, a connotation of opprobrium attaching to a provision of our Constitution. Are some of us beginning to wish, or being led to wish, that we had no Fifth Amendment? . . . any lawyer will tell you that the Fifth Amendment was never intended to serve as a confession of guilt. It was added to the Constitution to protect the innocent." *The Lawyer's Afterthoughts*, *Life Magazine*, July 26, 1954.

¹⁰ Morgan, *op. cit.*, p. 9, 10. Landmark trials in the involvement of the privilege are those of John Lilburne, who defended himself in four separate proceedings before the Court of Star Chamber. 3 How. St. Tr. 1315-28 (1637), 4 *id.* 1269-1405 (1649), 5 *id.* 407-44 (1653). See Harold W. Wolfram, "John Lilburne: Democracy's Pillar of Fire," *Syracuse L. Rev.*, Vol. 3, p. 213.

¹¹ Corwin, *op. cit.*, p. 9.

¹² Speech before the Massachusetts Bar Association, February 5, 1954.

¹³ See Wigmore, *op. cit.*, Sec. 2251, citing in opposition, amongst others, philosopher Jeremy Bentham and William Appleton, a Chief Justice of the Supreme Court of Maine.

¹⁴ *Palko v. Conn.*, 302 U. S. 319, 325-6, note 3.

Traditionally our system of criminal justice has been the accusatorial as opposed to the inquisitorial system generally used on the continent of Europe.²⁰ Thus the State carries the often onerous burden of proving the case against the accused by the presentation of evidence independently secured. It is no doubt true that under our system some criminals escape that might otherwise be punished. However, the framers of the Constitution, with the bitter lessons of the Court of High Commission and the Star Chamber still freshly in mind, felt that this was not too high a price to pay for the attainment of a free society.²¹

It has been the justifiable boast of our system of justice that the individual is of primary importance—better that nine guilty men go free, than a tenth innocent be convicted, has been our watchword. And what lawyer can deny the importance of the privilege to an accused, standing alone against the tremendous power and resources of the State, facing death or imprisonment. For those who would emasculate or take away the privilege entirely, the specter of the "tenth innocent" is ever present.

One need not be an overly acute observer of the American scene today to recognize that a "black silence of fear" has spread over the land.²² Orthodoxy and conformity are the prevailing mode. Our basic liberties embodied in the Bill of Rights, have come under increasingly vigorous attack.²³ The Court of High Commission and the Star Chamber have their modern counterparts.

What is the responsibility of the Bar in these perilous times? The Bar's position as defender of the Constitution and the rights and liberties which it guarantees has a long and proud tradition. Erskine, unintimidated by the power

and prestige of the British Government, defending the innocent, indicted for sedition, criminal libel and high treason;²⁴ Andrew Hamilton at the age of eighty, defending the printer John Peter Zenger accused of seditious libel against the British Crown;²⁵ Hay, Nicholas and Wirt's defense of James Thomas Callender for an indictment under the Alien and Sedition Laws;²⁶ Wendell Wilkie, defending the Communist Schneiderman.²⁷

In remaining true to that proud tradition, it would be well to ponder the words of Mr. Justice Black:

"Who but lawyers are able to stop at the threshold any of the dangers that come from an invasion of the individual rights. . . I do not think there is any group in America outside the lawyers who can be expected to preserve the individual liberties about which people speak. The liberty of the individual to go to the church of his choice, to belong to the party of his choice, to speak his views, however bad we may think they are. No people but the lawyers, and when they fail, the torch of individual liberty will be carried by nobody else."²⁸

²⁴ Lloyd Paul Stryker, "For the Defense," Thomas Erskine, 1947, p. 210 et seq.

²⁵ Livingston Rutherford, "John Peter Zenger," (1904) pp. 60 to 125.

²⁶ Bowers, "Jefferson and Hamilton," (1925) pp. 400-2.

²⁷ Schneiderman v. U. S. 320 U. S. 118.

²⁸ The Lawyer and Individual Freedom, 21 Tenn. L. Rev. 461, 469.

Annual Meeting to Mark Decalogue Society's Twenty-First Birthday

The next annual meeting of our Society which is to be held at the Chicago Bar Association, 29 South La Salle Street, on May 25, at 6:00 P.M., is of historic note. The Society will have come of age having reached its twenty first anniversary. It has grown from a small group which met in Judge Oscar S. Caplan's courtroom more than two decades ago into an organization which has a membership of nearly 1600 lawyers and judges of Jewish faith. A special program for that event is being arranged by Morton Schaeffer, our first vice-president. A feature of the occasion will be ceremonies dealing with the presentation of special tokens, to each past president, in recognition of his services to the Society.

²⁰ See Ploscowe, The Development of Present-Day Criminal Procedures in Europe and America, 48 Harv. L. Rev. 433, passim.

²¹ See J. Clark's opinion in Hoffman v. U. S. 341 U. S. 479, 486.

²² The phrase is Justice Douglas's. *N. Y. Times Magazine*, January 13, 1952.

²³ The Black Silence of Fear, *ibid*; O'Brian, Loyalty Tests and Guilt by Association, 61 Harv. L. Rev. 592; Justice Douglas, speech to the Friends Committee on National Legislation, *N. Y. Times*, November 25, 1953; Address of Paul Hoffman before the Indianapolis Bankers Ass'n., *N. Y. Times*, October 19, 1951; Albert Einstein's letter to the Decalogue Society's 19th Annual Patriotic Dinner, *N. Y. Times*, February 21, 1954. (See Decalogue Journal, Vol. 4, No. 4, April-May, 1954).

APPLICATIONS FOR MEMBERSHIP

HARRY D. COHEN, *Chairman*

APPLICANTS	SPONSORS
Harvey Berman	Earl A. Glick and Michael M. Mitchel
Saul J. Bernstein	Harry D. Cohen
Daniel Bomchill	Benjamin Weintroub and William F. Cooper
Samuel V. Bossov	Benjamin Weintroub and Mark Satter
Hylan J. Brown	Harry D. Cohen
Sherman Carmell	Earl A. Glick and Michael M. Mitchel
Herbert H. Froehlich	George A. Vinils and Arthur Y. Schulson
Lawrence E. Glick	Earl A. Glick and Michael M. Mitchel
Burton L. Hoffman	Earl A. Glick and Michael M. Mitchel
I. Leonard Kovitz	Benjamin Weintroub and Michael Levin
Leonard H. Lauter	Earl A. Glick and Michael M. Mitchel
Melvin E. Levinson	Arthur S. Bluestein and I. Harvey Levinson
Morton H. Meyer	Harry D. Cohen
Abner J. Mikva	Maynard Wishner and Elliot Epstein
Harold Miller	Benjamin Weintroub and Meyer Weinberg
Sidney Ruben	Benjamin Weintroub and William F. Cooper
Albert Siegel	Benjamin Weintroub and Albert I. Kegan
Seymour F. Simon	Nathan Kaplan and Elmer Gertz
Hamilton Stern	Earl A. Glick and Michael M. Mitchel
Murray Westler	Michael Levin

A LINCOLN POTPOURRI

Ralph G. Newman and President Elmer Gertz addressed the Society on February 11, at a luncheon at the Covenant Club on various aspects of the life and interests of Abraham Lincoln. Member Judge Harry G. Hershenson acted as the moderator.

The meeting was held under the auspices of the Decalogue Forum Committee, H. Burton Schatz, Chairman.

MAX REINSTEIN ON PARTNERSHIPS

Member of our Board, Max Reinstein is the author of an article entitled, "Revenue Code Changes Affecting Partnership" which appeared in the Chicago Bar Record in its March, 1955 issue. Mr. Reinstein addressed our Society on the above subject last February.

DECALOGUE SOCIETY JOINS

BLUE CROSS INSURANCE PLAN

Alec E. Weinrob, Chairman of the Decalogue Insurance Committee announces that after a thorough investigation of several plans for hospitalization and medical insurance the committee's findings are that the Blue Cross-Blue Shield Companies' insurance plans pay most for premiums charged, as follows:

The premium for Blue Cross alone, which pays for hospitalization insurance, is \$5.50 quarterly for one member, and for a member, his wife and unmarried children under 19, it is \$14.05 quarterly. This is on a "cooperative basis," that is, the member pays \$2.50 per day for the first 30 days and the Blue Cross pays the rest up to \$10.00 per day plus meals, special diets, general nursing care, use of operating rooms, anesthetics, and other usual hospital expenses except x-rays. For the next 90 days the Plan allows \$5.00 a day plus these expenses, and also \$75.00 for each pregnancy after 270 days of family membership.

The premium for Blue Cross and Blue Shield is \$7.75 quarterly for one member only, and \$21.55 quarterly for a member, his wife and unmarried children under 19. This pays, in addition to the benefits hereinbefore mentioned up to \$200.00 for doctor bills and up to \$200.00 for surgical service in any 90 day period. This also includes x-ray pictures up to \$15.00 per 90 day period, x-ray and radium treatments up to \$150.00, psychiatric care for shock treatments up to \$50.00 during a calendar year, and other benefits.

A considerable number of our members have already joined The Blue Cross-Blue Shield. Registration closed March 31. Applications for additional membership will be accepted in September, 1955.

For further information please address The Decalogue Society office at 180 West Washington Street. Phone, ANdover 3-6493 or contact Mr. Alec E. Weinrob, 134 N. LaSalle Street; Phone, FRanklin 2-7266.

Decalogue Health and Accident Insurance Continues with LaSalle Casualty Company

The Decalogue Society Group Health and Accident Insurance, in force since 1947, continues with the LaSalle Casualty Company and W. J. Henderson. The Group Hospital Plan, however, is with the Blue Cross. It is the hope of our Insurance Committee that our members will take advantage of both excellent services.

Society Opposes Broyles Bills

The following is a statement addressed to members of the Illinois General Assembly and Governor William G. Stratton, by the Decalogue Civic Affairs Committee.

The Decalogue Society of Lawyers, numbering 1600 members of the Illinois Bar, the third largest bar association in this State, respectfully urges the members of the General Assembly to reject the so-called Broyles Bills, being Senate Bills 58 and 59.

Similar bills were introduced by Senator Broyles in 1951 and 1953. We then communicated with the members of the General Assembly and the Governor and indicated our opposition to these legislative proposals. Nothing contained in the current bills has caused us to modify our position in regard to such legislation and we are, therefore, as lawyers, impelled once again publicly to express ourselves in this regard.

As we pointed out in 1951, "we are gravely concerned about the needs of our country to maintain national security . . . as lawyers we stand ready to serve our country and to cooperate in all measures to preserve our nation. But we are convinced that these bills will add nothing to our nation's or State's security. On the contrary, we feel their passage would seriously impair the traditional liberties of our State's citizens, would greatly reduce the morale, efficiency and quality of our teachers and public servants. . . ."

Senate Bill 58 establishes a test oath for State and local government employees and prohibits payment to them of salaries and expenses if they engage in certain seditious activities. The latter requirement is only an extension to local government employees of existing legislation (Ill. Revised Statutes, Chapter 127, Section 166a). The proposed bill makes no provision for judicial determination of any employee's disqualification, provides no standards to guide and does not designate who shall make such a determination and establishes none of the traditional due process safeguards to insure fairness and uniformity of application.

In addition to these infirmities it must be noted that the bill's loose language can only

result in confusion at the point of construction and enforcement and consequent injustice for all those who may be victims of its vagueness. Finally, the oath requirement would appear to be contrary to Section 25 of Article V of the Illinois Constitution which designates a single exclusive qualifying oath for government employees.

Senate Bill 59, to a considerable extent, duplicates existing law in our State. Thus, Section 2, declaring subversive acts unlawful adds little or nothing of substance to Sections 555-564 of Chapter 38 of the Ill. Revised Statutes. It does, however, provide for imprisonment for from one to 20 years and for fines up to \$20,000—considerably harsher penalties than deemed adequate by our federal government for violations of similar statutes.

Similarly, Section 3, declaring membership in subversive organizations unlawful, appears to add little to Section 560 of Chapter 38 of the Ill. Revised Statutes which makes it unlawful to become a member of an organization dedicated to overthrow of the government by violence or other unlawful means.

The only significant innovation provided by Senate Bill 59 would appear to be the most objectionable. Section 5 permits the discharge of "any person who is a subversive person as defined in this Act." This can be effected without the person (i.e. any employee of the state or of local governments or their instrumentalities or agencies) being convicted as a "subversive person." Thus, any of the appointing officers, agencies or authorities can dismiss one for subversion without warning, without cause and without hearings. Standards and traditional due process safeguards are absent from the bill and an employee's only recourse, to have his job and reputation restored, is through judicial review *after* he has lost his job. This is an inadequate remedy for one whose savings are depleted by a discriminatory discharge.

As we pointed out in 1953, "In leaving to each employing agency of the State responsibility for developing procedures to determine who is a 'subversive person,' as defined by the bill, the bill swings wide the door to all types

of discriminatory treatment within and between public agencies. Further, a denial of employment or discharge for this reason is tantamount to the more serious finding that one is a felon since the bill's definition of a 'subversive person' applies equally to the felony section. Thus, an adverse determination by the employing agency has far more serious consequences than found in the federal loyalty program—with none of the compensating administrative safeguards provided by the federal program."

For the above stated reasons and because Illinois law in this field is already more extensive than that of any other state and is adequate, in our opinion, to deal with any threat to the security of our State, we respectfully urge the General Assembly to disapprove Senate Bills 58 and 59.

DECALOGUE AUTHORS MEET

More than twenty writers, members of our Society, were among those present who attended the Decalogue Society's first Author's Luncheon on March 18 at the Covenant Club. Chairman Morton Schaeffer who presided at the affair listed the works of Decalogue members whose contributions include volumes on legal lore, fiction, and articles on law or general subjects.

Member Lionel Ruby, Chairman of the Department of Philosophy, Roosevelt University, author of *Logic* and a recent book *The Art of Making Sense*, addressed the gathering on aspects of his two books. Member Benjamin Aronin, whose works include volumes on religion, fiction and plays, spoke on the phases of his forthcoming book *The Secret of Walt Whitman*. President Elmer Gertz expressed the hope that authors' luncheons would be regularly celebrated by our Society.

DECALOGUE EXECUTIVE SECRETARY REGAINING HEALTH

Judge Richard Fischer, Executive Secretary of our Society, is convalescing after a recent illness, in his home at 4006 Madison Street, Bellwood, Illinois. The Judge expects to resume his duties, shortly.

PHOTOGRAPHIC CONTEST

The Decalogue Photographic Contest continues to arouse considerable interest among our members. The committee in charge, Samuel W. Kipnis, chairman, urges members to submit prints and slides (including stereos) taken at any time within twelve months prior to submission. "It is not necessary," Mr. Kipnis said, "that you make the picture yourself. It is sufficient if you expose the film." Portraits, and all other types of photography are acceptable. The contest closes June 10, 1955.

Prints must be mounted on suitable mounts and must be no smaller than 8" x 10". See your photographic dealer for instructions on what mounts to use and how to mount your prints.

Stereo slides and 35mm will be judged by projection. Both 2 x 2 and 2 1/4 x 2 1/4 slides will be accepted. Mounting between glass is required. Be sure to indicate by spotting how you want your slide projected.

Each member may submit four prints and four slides, but no more.

Enter your prints and slides without delay and be sure that your name is on each print and slide submitted. Bring your prints and slides to the Society's office, 180 West Washington Street. The committee will arrange for their judging and exhibition.

There will be a grand prize, ribbon awards, and honorable mentions. Prints and slides will be exhibited to the membership at a time and place to be announced in our Journal.

MATILDA FENBERG ON DIVORCE LAW CHANGES

Miss Matilda Fenberg, member of our Board of Managers, is the author of an article entitled, "The Uniform Divorce Bill: A Proposed Solution For Our Divorce Muddle," in the March, 1955 issue of the American Bar Association Journal.

CONGRATULATIONS

Member Nathan M. Cohen, son of past president Archie H. Cohen of our Society, was appointed Master In Chancery for member Judge Julius H. Miner of the Circuit Court, Cook County.

The Idealism and Responsibilities of the Legal Profession

By WALTER SCHAEFER, Justice of the Supreme Court of Illinois

From an address delivered by Justice Schaefer on February 25, at a luncheon in the Covenant Club, under the auspices of the Decalogue Orientation of Younger Members Committee, Bernard Weissbourd, Chairman.

On the basis of experience with some hundreds of law students and young lawyers, I would venture that you tend to deprecate too much your own capacities and to underrate the qualities you bring to the profession. I mean more than just the fact that you have youth and energy in such abundance that each of those older lawyers—your respective employers—who today impress you as the stern arbiters of your destiny, would be blythe to trade places with you.

You come to us, not empty-handed, but fresh from an extended period of objective and critical appraisal of our system of law. The law schools inevitably set the pace for the legal profession. It is there that the horizons of the profession must be broadened. Your fresh perspective, your candid way of appraising institutions and ideas and rules of law are needed by your older brethren in the profession.

It is from the continuing influx of new blood that our profession replenishes and improves itself. And I know I breach no confidence when I tell you that among the older lawyers here today there is no doubt but that you are far better qualified to assume your responsibilities than we were when we came to the bar.

My feeling toward the legal profession and toward the men who practice it is a deeply emotional one. I am proud of the profession and I have a strong feeling of affection for the men who constitute it.

That does not mean that I am not impatient with some actions of the bar; that I would not change its group conduct in a host of particulars, nor does it mean that I would not cheerfully eliminate some, perhaps many, individual members of the bar. It means, rather, that the bar as a group is straining toward a high and perhaps unattainable ideal. The quest for ultimate truth and justice; for ideal relationships among men, and between man and the rest of the universe, may be as fruitless as the quest for the Holy Grail, but it has the same capacity to stir the blood and the imagination.

I feel toward the legal profession as I feel toward my country; my affection is for its ideals quite as much as for its achievements. At the nation's birth we dedicated ourselves, it has been said, to the proposition that all men are created equal. You know as well as I how far short we have fallen in our effort to attain that goal. Yet the effort goes on; and as I honor my country for its high ideals, so I honor the profession of the law for its high ideal.

But I can hardly ask you to accept my appraisal of the profession of the bar on an emotional basis. You have a right to look at the profession cold-bloodedly,

as a means of livelihood, as a field for the expenditure of your life's energy; and you are interested in the profession as it appears to a lawyer from that point of view.

First: the work of a lawyer is interesting. The law school can never adequately reveal the drama of the law in action. I speak now not primarily of the trial of a law suit; some of the dramatic aspects of the trial could well be eliminated, I think. But routine conferences with clients are dramatic; the search for authorities is undertaken with a zeal which can never be inspired in law school.

And that is because the law in action is alive; it deals with real people and with real things. There is no hypothetical "Blackacre" in the law in action; instead there is a tangible piece of land—your client's home. The legal doctrines which struggle for supremacy are not competing in a theoretical atmosphere for an academic victory. The fate of the home depends upon the outcome of the clash of doctrine.

Let me illustrate from life. Suppose we contemplate a legal memoranda dealing with "The transferability of estates in land above the surface of the ground." It has a deadly sound. But suppose you know that the conclusion expressed in that memorandum determines whether or not the projected Merchandise Mart can be built over a railroad right of way. The problem lives, now, and carries with it a new interest.

Nor is there ever such a thing in actual life as an anonymous plaintiff-in-error, or a respondent-in-error. Instead there are flesh and blood people who are affected by the result of your work.

Always there is that added zest which comes from the impact of legal doctrine upon real persons and upon real things.

The law is interesting beyond other callings, too, because it embraces other callings. Today, the matter before you calls for a knowledge of accounting. Tomorrow you are a bacteriologist; and you master what you need of that field of knowledge. Next week's work involves a construction contract, and you impinge upon the lore of the engineer. No other calling offers such versatility. And as a result, there is no clock-watching among lawyers.

As a second characteristic I should say that the profession offers responsibility. More and more, I think, it is the search for responsibility, which motivates man's conduct. It is one of the most significant of the accolades of life. It has been said, "The prize of the General is not a bigger tent, but command."

Responsibility is the attribute of the lawyer, almost from the outset of his career. For the lawyer is a trouble-shooter. He is not called in, ordinarily, unless the situation is thought to be critical. And once called in he assumes command. It is his right.

Closely allied to the lawyer's position of responsibility

is another factor which, to me, makes the profession of the law a happy way of life. That is the independence of the lawyer.

Despite these changes, however, I believe that the lawyer has an independence beyond that attainable by any other group of men. Always he retains the possibility of striking out for himself. And if momentarily he has rejected the independence of the practitioner, still the choice has been his own and the choice is never an irretrievable one.

Independence, like all good things, is relative. That of the general practitioner is as nearly complete as any individual's can be in our economic system. He need not take a case unless he wishes to. He need take on no more work than he desires. And subject to court engagements he is completely his own boss as to when he does his work. Of course, if he spends all his time fishing, he may soon find that he has nothing to do but fish. That's part of what I mean when I say that independence is relative.

Next in order of significance, I should list the fact that the profession offers a respectable means of earning a livelihood. Make no mistake; it holds no promise of great wealth. Few occupations do now-a-days. The income tax takes care of that. It does, however, fairly offer, I think, a comfortable, better than average income; an opportunity to live reasonably well, to educate your children and to provide modestly for them.

The last characteristic of the profession is less tangible than the others, and more difficult to express. From what I have seen of life, a man's best work is not done for money. It is a much more powerful force that evokes a man's utmost efforts, that gives him courage in the face of hardship and hope in the depths of adversity. To me that force is the notion of service; of an objective beyond self interest.

A man who lacks in his life some such driving urge does not live his life up to the hilt; and so he is already more than a little dead.

In all of this there are responsibilities, too, and I would not have you overlook them. Always there will be the requirement of careful, painstaking work. I shall not stress that factor today. You must know that you will not always fight the battles to maintain and improve our institutions with marching banners to the accompaniment of admiring plaudits. Often the cause of justice will run counter to the demands of the multitude. And then it will be your own knowledge and faith and courage that sustains you.

This, as I see it, is the profession which you have entered. Its traditions and its ideals are worthy of your utmost efforts. May you serve it well!

Bernard Epstein on Life Insurance Taxation

Member Bernard Epstein is the author of an article entitled "How the New Tax Law Affects Life Insurance," in the December issue of the *Commerce Magazine* published by the Chicago Association of Commerce and Industry.

Lawyer's LIBRARY

NEW BOOKS

- Campbell's list, a directory of selected lawyers.* Supp. 1, 1954. Winter Park, Fla., Campbell's List, 1954.
- Chamberlin, E. H., ed. *Monopoly and competition and their regulation.* N. Y., St. Martin's Press. 548 p. \$7.50.
- Elson, Alex & Lassers, W. J. *Civil practice forms, Illinois and Federal.* 1954 pocket parts. Indianapolis, Bobbs-Merrill, 1954.
- Fins, H. G. *Federal appellate practice, with emphasis on the Seventh Circuit.* 2d ed. Chicago (77 W. Washington St.), The Author, 1954. 38 p. Apply.
- Fitch, L. D. *Abstracts and titles to real property.* Chicago, Callaghan, 1954. 2v. \$40.00.
- Gardner, E. T. *Court of last resort.* New, enl. & rev. ed. N. Y., Pocket Books, 1954. 339 p. \$0.35. (Paper)
- International Bar Association. *Fourth international conference of the legal profession, Madrid, July 16-23, 1952.* The Hague, Nijhoff, 1954. 361 p.
- Konvitz, M. R., ed. *Bill of rights reader: leading constitutional cases.* Ithaca, Cornell Univ. Press, 1954. 610 p. \$6.50.
- Lasser, J. K. *Your income tax.* 1954 ed. N. Y., Simon and Schuster, 1953. 204 p. \$1.95. (Paper)
- Medical trial technique quarterly.* September 1954. Ed. by Irving Goldstein and L. W. Shabat. Chicago, Callaghan, 1954. \$15.00 per year.
- Poor, Wharton. *American law of charter parties and ocean bills of lading.* 4th ed. Albany, Bender, 1954. 455 p. \$10.00.
- Reeve, H. L. *The influence of the metropolis on the concepts, rules and institutions relating to property.* Chicago (123 N. Wacker Drive), Chicago Title & Trust Co., 1954. 205 p. Apply.
- Scott, A. W. *Law of trusts.* 1954 supp. Boston, Little, Brown, 1954. 834 p. \$11.50.
- Smith, A. J. *Syndicate city—the Chicago crime cartel and what to do about it.* Preface by Virgil Peterson. Chicago, Regnery, 1954. 290 p. \$4.50.
- The United States in world affairs,* 1952. Ed. by R. P. Stebbins. New York, Harper, 1953. 492 p. \$5.00. (Pub. under the auspices of the Council on Foreign Relations)
- Wigmore, J. H. *A treatise on the Anglo-American system of evidence in trials at common law.* 1953 pocket parts to 3d ed. Boston, Little, Brown, 1953. \$16.50.

ISRAELI LAWYERS MAY REPRESENT GERMAN FIRMS

A recent decision by the Israel Bar Association permits its members to represent German firms or individuals. The original 1946 ban was renewed only last year.

BOOK REVIEWS

The Big Fix, by Norton Moskrige and Robert H. Prall. Henry Holt & Co. 337 pp. \$3.95.

Reviewed by IRWIN N. COHEN

Member Irwin N. Cohen is Chief Counsel for the Emergency Committee on Crime of the Chicago City Council. He was in the U. S. Attorney's office, 1949-1954, serving for a brief period as U. S. Attorney by election of the District Court judges. He was First Assistant U. S. Attorney when selected for his present post.

This book, written by two New York newspaper reporters, deals chiefly with the rise and fall of Harry Gross, operator of a \$20,000,000 per year horse-bookmaking business. In the best tradition of a Hollywood thriller or a Sunday supplement feature, the story has a hero, Miles F. McDonald, District Attorney of Kings County (Brooklyn), and a villain, William O'Dwyer, then Mayor of New York. An unnamed collaborator, no doubt, was a lawyer, skilled in libel law, who passed on those venomous sections of the manuscript dealing with O'Dwyer.

McDonald and his chief assistant, Julius Helfand, set out to smash the police-protected organized bookmaking which flourished in Brooklyn. For investigators, McDonald obtained 29 carefully screened graduating students of the Police Academy, answerable only to himself. The key status of Harry Gross in the operation was established. He was arrested and held as a material witness under bond of \$250,000 set by Judge Samuel Leibowitz. At the urging of the Judge, Gross testified before a special Grand Jury, as a result of which 18 police officers were indicted for conspiracy to permit bookmaking and to accept bribes. Gross took the stand at the trial, again prompted by the Judge, but refused to testify against the policemen in a dramatic scene:

Judge Leibowitz: "... but remember, there are eight million men and women in this town who have a stake in this case. If I have to, I'll hand it to you."

"Oh, no you won't," Gross yelled.

"I'll bury you in jail," Leibowitz cried. "I'll give you a thousand years. And then a thousand years on top of that. You'll rot there, before you ever get out!"

"I want peace of mind," Gross shouted.

McDonald was forced to move for a dismissal. The case which had taken 20 months to prepare collapsed, and jeopardy had attached.

Later, Gross testified at great length against scores of policemen at departmental trials which resulted in dismissal of 52 officers. In addition, 400 officers resigned or retired; no breakdown of that figure is furnished. Shortly after Gross' arrest, Vincent Impellitteri, who succeeded O'Dwyer as Mayor when the latter

suddenly resigned to accept the ambassadorship to Mexico, forced the resignations of the Police Commissioner, the Chief of Detectives, and other high ranking officers. Assistant U. S. Attorney Thomas Murphy, the prosecutor of Alger Hiss, was appointed Police Commissioner.

The special Grand Jury which investigated this matter was in session for 4½ years, sat on 650 separate occasions, heard 3,500 witnesses, and returned 83 indictments against 181 defendants. Effective use was made of a comprehensive financial questionnaire.

O'Dwyer constantly used his great powers as Mayor to attack and harass McDonald, referring to the latter's investigation of the police as a "witch hunt." Encouraged by the Mayor, the police officers' associations filed a complaint charging McDonald and Helfand with unfair conduct. The Grand Jury thoroughly investigated this charge and cleared McDonald and his aides.

The record is clear that McDonald and his staff performed a magnificent job under most difficult circumstances. To a Chicago lawyer some major differentiating factors between the local and New York situations are apparent. The enormous material witness bond and the lengthy service of the Grand Jury have been mentioned. McDonald handled his own investigation. Again, the right to tap telephone wires, not available in Illinois, was of crucial assistance to McDonald. Further, the aggressive role of Judge Leibowitz as practically an arm of the prosecution (and this is not said critically) is unknown in this state. Throughout the lengthy investigation, McDonald, the Grand Jury and Judge Leibowitz operated as a team.

The economic theory underlying Gross' operations may be mystifying to the Midwest reader. According to the authors Gross was operating 30 horse rooms by 1949 and earning \$75,000 a year. The "ice"—protection money—was about \$1,000,000 per year. With the supposed entrepreneur earning such a disproportionately low percentage the question naturally arises, "Who was working for whom?"

It is also interesting to note that but for two contributions Gross claims he made to O'Dwyer's mayoralty campaign funds there is no evidence of any political facets to the enterprise; it was strictly a two-way arrangement between the bookies and the police.

In view of the drama naturally inherent in the case, the authors' injection of a style reminiscent of the "fictional biography" is superfluous and irritating. The story of the indomitable McDonald and of O'Dwyer, who was successively an immigrant (at 20), laborer, bartender, policeman, lawyer, judge, District Attorney, Mayor, Ambassador to Mexico and, finally, a virtual expatriate requires no embellishment.

Blessed Is The Land, by Louis Zara. Crown Publishers. 393 pp. \$3.95.

Reviewed by ALEC E. WEINROB

Member Weinrob is co-chairman of The Decalogue Society Great Books Course study group.

"Gam zeh l'tovo," the Hebrew for "of all for the best," is the theme that dominates Louis Zara's latest book, *Blessed Is The Land*. It is an historical novel based on the settlement of the first Jewish community in New Amsterdam in 1654.

In outline this novel is reminiscent of the pattern of Homer's *Odyssey*. The incidents include a family's expulsion from Spain, resettlement in Holland, migration to Brazil, expulsion from Brazil by the Portuguese, capture on the high seas by Spanish privateers, rescue by a French ship, arrival at New Amsterdam, and there facing the threat of deportation and imprisonment; there are skirmishes with Indians, establishment of a family and business, conquest of New Amsterdam by the English and, finally, the establishment by the hero of a family and a business. Ashur Levy, the central figure in this novel, is an intelligent and a courageous bachelor of 32. Handy with his fists towards bullies, sharp with his tongue towards bumbling, inefficient and often corrupt officialdom, he conquers obstacles in his path with the aid of the phrase of "Gam zeh l'tovo."

This book helps to recall the eternal wandering of the Jew from the days of his expulsion from his own land in the year 70 A. D.; his fears, hates, loves, and struggles are deftly narrated by Zara in the composite figure of all wandering Jews—Ashur Levy. While represented as one of "the people of the book," Levy is also limned as being ready and willing to participate in the defense, arming, and fighting for his new land; indeed, on the firing line he acquits himself well. In substance, it shows the Jew making a contribution, during the early development of this country, not only towards its culture and commerce but also towards its tillers of the soil and its defense. When Levy finally plants his roots in the new world and finds the land fertile not only for the raising of crops but also for the reception of the Hebraic ideas and traditions, freedom of conscience and religious belief, he calls this land "blessed."

The publication of Zara's book in the year of the Tercentenary Celebration of the settlement of the Jewish community in North America, is a valuable contribution to the historic lore of this country and the Jew's part in its upbuilding.

The Golden Door. The irony of our immigration policy. John Campbell Bruce. Random House. 244 pp. \$3.75.

Reviewed by BENJAMIN WEINTROUB

Mr. Bruce's book is a case study of the immediately known effects of the McCarran-Walter Act. Passed to streamline, change and consolidate all immigration laws in the United States since 1917, the new act, instead, left on the books the major inequities of previous laws and added new repressions and discriminations. So confusing is the 120 page McCarran-Walter Act in language and in definition that both lawyers and veteran immigration authorities have, according to the author, admitted utter helplessness in trying to interpret its meaning.

The Truman Commission on Immigration and Naturalization, appointed immediately after the passage of this Act, spent months sampling informed public opinion and reaction to the Act of more than 600 persons and organizations, in 30 sessions, only to come up with a sharp condemnation of the new law. The golden door to the dreamland of an immigrant is shut tight because of the new McCarran-Walter Act—The Public Law 414.

It is not easy reading, following Mr. Bruce's relentless and documented charges of the misdeeds already known which came in the wake of this law. Repeatedly there is the accusation that the Act is discriminatory because of quota allotments based on national origins. So unfair is that provision that mere consideration of an immigrant's attempt for a visa to the United States, from several countries, would now take from 20 to 50 years.

The author's selection of cases that best illustrate the shocking application of the mechanics of the Public Law 414 makes for ghastly reading. World War II smashed at family ties, uprooted hundreds of thousands of families from Rumania to Hong Kong; it brought in its wake multitudes of displaced persons, refugees from the terror of totalitarian lands. In the author's meticulous telling mothers, here in the United States, are deprived of an opportunity of uniting with their children and heads of families frequently veterans of our wars, cannot enter here because of the working of the Act. Those already citizens are made deportable for offenses committed decades ago; a second class citizenship is a matter of fact. And much more emerges in this book the publication of which is a solid public service. Above all the charges that our State Department harbors racist views and that Jews are discriminated against as potential citizens. *The Golden Door* makes it brutally convincing that the McCarran-Walter Act is morally and legally insufferable and needs to be rewritten.

The Inter-American Bar Association—Purposes and Program

By WILLIAM ROY VALLANCE

William Roy Vallance, a member of the New York Bar, is Secretary General of the Inter-American Bar Association since 1940. He has served for many years in the Department of State as a solicitor and also on special technical assignments. Mr. Vallance is a writer and lecturer on International Law.

The Decalogue Society of Lawyers is a member of the Inter-American Bar Association.

The Association was founded in Washington, D. C. on May 16, 1940 at the VIIIth American Scientific Congress by a group of distinguished lawyers who were delegates to the Section on International Law, Public Law and Jurisprudence of the Congress. The Constitution of the Association was signed ad-referendum by representatives of 20 bar associations from 13 American countries, namely, United States, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Mexico, Panama, Peru and Venezuela. Subsequently, bar associations in Argentina, Bolivia, Chile, Guatemala, Nicaragua, Paraguay and Uruguay became members.

The movement for the organization of the Inter-American Bar Association was initiated in the United States by Dr. James Brown Scott and Dean John H. Wigmore. At the annual meeting of the American Bar Association in 1937 a resolution adopted by the House of Delegates provided for the exploration of the possibilities of the formation of such an association. Committees of the Association's Section of Inter-National and Comparative Law worked strenuously upon the project and produced an initial draft of a constitution under the supervision of Col. William Rigby. This draft which constituted the basis for the final document that was signed by the representatives of the national associations at Washington in 1940.

The purposes of the Association are of special significance in view of the recent developments in some of the nations beyond our Southern border. Article I of the Constitution sets forth these purposes as follows:

"To establish and maintain relations between associations and organizations of lawyers, national and local, in the various countries of the Americas, to provide a forum of exchange of views.

"To advance the science of jurisprudence in all its phases and particularly the study of comparative law; to promote uniformity of commercial legislation; to further the diffusion of knowledge of the laws of the various countries throughout the Americas.

"To uphold the honor of the profession of the law; and to encourage cordial intercourse among the lawyers of the western hemisphere.

"To meet in conferences from time to time for discussion and for the purposes of the association."

It was decided to admit to membership only approved *lawyers organizations*. However, individual lawyers who are members of a member association may participate in the activities of the Association as delegates of a member association or as member of a committee or section.

DUES

The annual dues of member associations are fixed on a scale based upon the number of members of the respective associations. A national association having 5,000 or more dues paying members has a maximum of dues to the Inter-American Bar Association of \$500.00 per annum. For national associations having less than 5,000 such members the dues are scaled down to the minimum of \$50.00 per annum in proportion to their membership. Local associations, which include state, provincial, city, district and special law associations pay a maximum of \$100.00 dues per annum if they have 1,000 or more dues paying members. The dues for such associations scale down according to membership to a minimum of \$25.00 per annum. At present there are a total of 78 dues paying member associations in this Inter-American organization.

The governing body of the Association is the Council consisting of councilors of two classes. First, national councilors selected by the largest member national association in each country. Second, councilors selected at large by all member associations at the Final Assembly held at each Conference. This arrangement gives an opportunity for representation on the Council of State, City and local associations as well as national associations.

The Council elects the officers, namely the President, the Secretary General, the Assistant Secretary General, and the Executive Committee. Vice-Presidents are selected by each of the national member associations.

The Executive Committee elected by the Council manages the affairs of the Association between meetings of the Council and may exercise any or all of its powers, except those in relation to admission and expulsion of members and those relating to amendments to the Constitution.

The Association has held eight conferences since it was organized, namely, Havana, Cuba 1941; Rio de Janeiro, Brazil, 1943; Mexico City 1944; Santiago de Chile, 1945; Lima, Peru 1947; Detroit, Michigan 1949; Montevideo, Uruguay 1951 and Sao Paulo, Brazil, 1954.

The 90 resolutions adopted at the Sao Paulo (Brazil) Conference in 1954 were of special significance in the fields of legal education and industrial, and intellectual property. The Committee on Legal Education had as its Chairman Mr. Whitney Harris of Dallas, Texas, Director of the Law Institute of the Americas and Chairman of the Section of International and Comparative Law of the American Bar Association. He has now become Executive Director of the American Bar Association. The Committee recommended among others, and the Association adopted, the following two resolutions which are believed to be of special interest:

Resolution: The Inter-American Bar Association resolves that the attention of the governments of all countries of America, of the Organization of American States, and of universities be called to the necessity of taking the following steps toward strengthening inter-American university exchange, chiefly among the law schools:

Consolidation and publication of the principal rules of internal and international law, governing the exchange of scholarships, taking into consideration their principal purpose and characteristics.

Enforcement of the resolutions of the Inter-American conferences regarding university exchanges, especially those of professors and graduate students.

Establishment in the respective budgets of a sufficient allotment for a minimum of scholarships per year, for the purpose of forming and perfecting the university teaching staff.

Fostering by all means, the exchange of visiting professors.

Organization of university extension courses, whose programs will be especially organized and designed for foreign graduate or undergraduate students.

Encouragement of the study and teaching of comparative Inter-American law.

Promotion of multi-lateral or bi-lateral conventions, among governments and agreements among the universities themselves, designed to foster by all means the direct exchange of persons, books, and publications in general.

Resolution: Whereas, the program of comparative law study in certain universities and law schools of the United States is of special value to lawyers in the Ibero-American Republics who are interested in the promotion of better professional relations and mutual understanding in the Western Hemisphere, which is an important objective of this Association.

The Inter-American Bar Association recommends that full information concerning the program of study at the Inter-American Law Institute of New York University, the Law Institute of the Americas of Southern Methodist University, the Inter-American Law Program of the University of Miami School of Law, the program of International Studies of the Harvard Law School and other similar programs be disseminated to the member bar associations in the Ibero-American republics, and that promising young members of the profession be encouraged to take advantage of the unusual opportunities afforded by these programs;

That its member bar associations in the Ibero-American republics encourage the individual lawyers in their respective countries who have studied the Anglo-American legal system, to participate more actively in the work of the Inter-American Bar Association.

That the member bar associations in the Ibero-American republics study the possibility of establishing one or more centers of comparative law in their respective countries, which will enable graduate United States Lawyers to obtain a working knowledge of the law of such countries within the period of one academic year of eight or nine months, to complement the work being done by the above mentioned institutions.

It is not possible to set forth here all of the resolutions that were adopted at Sao Paulo but their general character may be ascertained from the names of the fourteen committees through which the work of conferences are conducted, are namely: Public International Law; Private International Law; Constitutional Law; Municipal Law; Civil Law; Civil and Commercial Procedure; Commercial Law; Criminal Law and Procedure; Administrative Law and Procedure; Fiscal Law; Social and Economic Law; Legal Education; Legal Documentation; Activities of Lawyers.

In the brief space available it is not possible

adequately to summarize the accomplishments of the eight conferences that have been held. It may be stated, however, that the resolutions have urged the removal of obstacles to travel between nations in this hemisphere, the development of a model trust statute that might be adopted by all the nations, the ratification of conventions for the protection of patents, trademarks and copyrights, the removal of restrictions on the capacity of married women and improvement in the status of children. Uniformity in laws relating to commercial transactions, admiralty laws, and in laws governing transportation and communications have been advocated. It is firmly believed that the discussions of these and other problems by approximately 500 lawyers who have attended most of the meetings have had and will continue to have a deep and beneficial influence on the progress of the law in the Americas.

The Association's ninth meeting will be held at Dallas, Texas, April 16 to 21, 1956. We are fortunate to have as our President, Robert G. Storey, Dean of Southern Methodist University Law School and recently a President of the American Bar Association. Dr. Eduardo Salazar, a leading lawyer of Quito, Ecuador, well known for his activities as a diplomatic representative of his country at many important conferences, is Chairman of the Executive Committee.

We are assured that under their able leadership the meeting in Dallas will be an outstanding success.

The Headquarters office located at 1129 Vermont Avenue, Washington 5, D. C., through the Secretary General, Mr. William Roy Vallance, will be pleased to supply information to interested persons regarding its publications and other material produced by the Association in connection with its various meetings and activities.

Decalogue Forum Meeting, April 22

Arthur Rubloff, prominent Chicago realtor will address our Society on April 22, at a luncheon in the Covenant Club. Mr. Rubloff will speak on "Chicago."

The meeting will be held under the auspices of the Decalogue Forum Committee, H. Burton Schatz, chairman.

THE LARGE WORDS

Anonymous

When one talks of hereditaments, misprisions
and indentures,
Of chattels and of mortgages, of choses and
debentures,
Of assumpsit, debt and covenant, of trespass
and attainders,
Of writs of habeas corpus, of reversions and
remainders,
Of attaching and conveyancing, of signing
and endorsing,
Of femes, both sole and covert, separating
and divorcing,
Of words of twenty letters, which you'd think
would break his jaw,
You will then know that the fellow's just begun
to study law.

*Courtesy, The Judicial Humorist
Edited by William L. Prosser*

Greetings To
The Decalogue Society of Lawyers
On Its Twenty-First Anniversary

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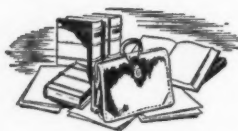
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*(ELIOT R. WESTON is a member of
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